

WRITTEN TESTIMONY  
OF THE  
MICHIGAN CATHOLIC CONFERENCE  
ON  
House Bills 5908 and 5909

Committee on Family and Children Services  
Michigan House of Representatives  
7 June 2006

Thank you Mr. Chairman and members of the Committee. My name is Paul Long and I am the Vice President for Public Policy with the Michigan Catholic Conference. The Michigan Catholic Conference is the public policy voice for the Catholic Church in this state. We appreciate the opportunity to offer our reflections on these critically important bills.

For decades private religious agencies have worked in cooperation with the state to ensure the appropriate placement of children with new families. This partnership between the state and religiously affiliated agencies, and the accompanying respect for religious liberty, has served the people of Michigan well. Rather than restricting the number of child-placing agencies and, in turn, access to adoption services, it has fostered pluralism and allowed for participation by a greater number of providers.

Naturally faith-based entities incorporate and reflect their church's teachings and values. And, this ought to be protected.

As the First Amendment to the United States Constitution provides for the free exercise of religion, and the Michigan Constitution in Article 4, Section 4 reads "The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief," the State of Michigan has a constitutional obligation to protect the freedom of those child placement agencies which operate under a faith-based mission statement.

In recent years, some adoption agencies -- locally and nationally -- have witnessed pressure to provide adoption services that would violate their religious or moral policies. Sometimes this pressure is subtle. Sometimes it is direct. Sometimes it is based on social trends. Sometimes it is based on interpretations of law or professional "best practice" standards. House Bills 5908 and 5909 address these challenges by protecting an agency's freedom to serve.

House Bills 5908 and 5909 are designed to only preserve religious liberty. They do not affect who can adopt or restrict access to adoption services. Some have claimed that this bill changes the law by giving agencies a right to not participate in an adoption. This claim assumes that agencies do not currently have such a right. Under this assumption, any agency licensed by the state must serve any person that knocks on its door. We do not believe this is the law, but the very assertion of such an argument demonstrates why the time has come to clarify an agency's right to serve in a manner consistent with its religious and moral positions.

House Bills 5908 and 5909 address protection of conscience with respect to licensing, contracting, or funding considerations.

Again, the only purpose of these bills is to protect an agency's freedom to serve. They are not intended to impact adoption law or access to adoption services. To make this clear, House Bill 5908 provides, in three sections, that if a child-placing agency opts not to participate in an adoption that violates its religious convictions, the action of the agency is not a finding concerning the best interests of the child. In short, opting not to participate is merely that -- opting not to participate. The decision does not follow the prospective parent and he or she is free to use the services of one of the many other agencies in the state.

Michigan has chosen to foster a plurality of adoption service providers rather than insisting a uniform "one size fits all" approach. This approach has provided choices to people across our great state and a means for agencies to exercise their public ministries. If this policy is to continue, we must protect the religious liberties of child-placing agencies. No person or agency should ever be asked to forfeit their religious or moral beliefs as the price to pay for exercising a religious mission and providing a community service.

As Thomas Jefferson wrote to the Ursuline Sisters at New Orleans on 15 May 1804:

*The principles of the constitution and government of the United States are a sure guarantee to you that it will be preserved to you sacred and inviolate and that your institution will be permitted to govern itself according to it's own voluntary rules, without interference from the civil authority.*

House Bills 5908 and 5909 support this basic Jeffersonian and bedrock American constitutional principle that religious faith based agencies should be allowed to govern themselves without governmental interference.

We urge you to support these bills and vote them favorably to the floor of the House of Representatives.

Thank you.

## CATHOLIC SOCIAL SERVICES [REDACTED] PROGRAM STATEMENT

Catholic Social Services [REDACTED] believes in the concept that children have the right to be raised in a permanent, healthy environment. First consideration should always be given to the biological parents. When this is not possible, a suitable relative is the alternative choice. In the event these two options are not possible, Catholic Social Services [REDACTED] provides voluntary, respite and foster care services in order to work towards the goal of family reunification.

The foster family is a key component in the child's life while placed in foster care. The foster parents provide a stable and nurturing home for the child until able to live with their biological family. The foster family also provides for the child's medical, educational and therapeutic needs, if required.

Catholic Social Services [REDACTED] provides foster care placement for children birth to seventeen years of age from a variety of ethnic backgrounds. Foster homes are also available to service children with medical and emotional needs. Catholic Social Services [REDACTED] is a Purchase of Service Agency with the Family Independence Agency and serves any counties which has legal, funding and placement responsibility to this entity.

In licensing families for foster care, Catholic Social Services also provides foster parents with training opportunities as well as support/retention groups. You may be single or married to become a foster parent.

We also provide families with Home Studies for adoption of foster children, MCI wards, infants which are voluntarily placed in our program or international placements. [REDACTED] also provides services and placement for infants of parents during their decision making process to either plan for their child or voluntarily release their rights for adoption.

There are fees for services in the Infant Adoption Program and Home Studies for international placements.

To be eligible to adopt in our Infant Adoption Program, candidates must be married. You may be single or married to adopt a foster child.

[REDACTED] recruits foster homes through community contacts, the media, referrals from other foster families. We are always recruiting for the following families:

- 1) Families interested in fostering children of diverse ethnic backgrounds ages 10-17 years.
- 2) Families interested in foster sibling groups of up to four children of diverse ethnic backgrounds.
- 3) Families interested in fostering teen mothers and their child.
- 4) Families willing to foster children with severe medical or emotional needs.

Our foster care case managers provide community services to our clients in efforts to reunify the family. They provide support and consultation to our foster parents throughout the case. Referrals are also provided to children for counseling or medical needs, if deemed necessary.

In accepting applications from prospective foster and adoptive families, the agency will not place children in a situation where the lives of the parties are inconsistent with the teachings and traditions of the Catholic Church. Prior to formal application, an informational meeting is made available.

the adoption.

- (h) Any other known information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child.

One record did not contain documentation that the above information was provided to the adoptive parents.

R 400.12711

Supervision.

- (1) An agency shall provide post-placement supervision for the adoptive family at the adoptive parent's home as needed, but not less than once every 3 months, after the placement of a child and until the final order of adoption.

- (1) One record did not contain documentation of post placement supervision.

ADDITIONAL FINDINGS

During the renewal investigation, the agency's current policies and procedures were reviewed. Based on this review, it was determined that the agency has policies and procedures that discriminate against families that do not have a specific set of religious beliefs, as well as individuals who are not married.

A private child placing agency is licensed and regulated by the State of Michigan, Family Independence Agency, Office of Children and Adult Licensing, to perform those functions that are regulated under Act 116 of the Public Acts of 1973. Governmental agencies are prohibited from discriminating against any individual or group because of race, sex, religion, age, national origin, color, marital status, political beliefs or disability. As a governmental agency, the State of Michigan, Family Independence Agency, Office of Children and Adult Licensing, cannot knowingly condone discriminatory practices carried out by organizations that we regulate.

It is recommended that your Corrective Action Plan include a review of your agency's screening criteria for foster and adoptive parents, both written and unwritten, to assure that they are not discriminatory.

IV. RECOMMENDATION

Upon receipt of an acceptable corrective action plan, a Regular License is recommended.

*Miriam Berenstein* 1/1/04  
Miriam Berenstein Date  
Licensing Consultant